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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,132	07/30/2003	Wayne Carmona	CARMO.001A	9008
20995	7590	11/03/2004	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			KING, ANITA M	
2040 MAIN STREET			ART UNIT	PAPER NUMBER
FOURTEENTH FLOOR				
IRVINE, CA 92614			3632	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	CARMONA, WAYNE
Examiner Anita M. King	Art Unit 3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 August 2004.
2a) This action is FINAL. 2b) This action is non-final.
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) 7 and 18 is/are allowed.
6) Claim(s) 1-5,8,11-17,20 and 21 is/are rejected.
7) Claim(s) 6,9,10 and 19 is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 8/27/04.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

This is the second office action of application number 10/630,132, Flex Grip Fixture Clamp, filed on July 30, 2003.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-5, 8, 11-16, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 688,230 to Isgrig et al., hereinafter, Isgrig. Isgrig discloses a flex grip fixture clamp comprising: a progressive support clamp (1) having a supporting member channel configured to receive a support member; a semispherical recess (4); a handle (3); a biscuit clamp (13) comprising an accessory member channel configured to receive a component of an accessory; a ball joint comprising a ball (6) selectable engageable with the semispherical recess, the ball joint interconnecting the progressive support clamp and the biscuit clamp, wherein the progressive support clamp is actuatable via the handle from an open position to a support member clamp position, the support member clamp position precluding movement of the fixture clamp with respect to the support member and allowing rotation of the ball and wherein the progressive support clamp is further actuatable to a full clamp position, the full clamp position fixing the position of the ball; wherein the ball joint is configured to provide omnidirectional positioning of the biscuit clamp; wherein the ball joint has at least 180 degrees of motion in all directions; wherein the ball joint further includes a link member (7) located between the ball and the biscuit clamp so that movement of the ball is

transmitted through the link member to the biscuit clamp; wherein the ball joint comprises a ring bearing (19) having a curved wall of a radius matching that of the ball, the ring bearing being located on a hemisphere of the ball opposite to the location of the semispherical recess; and wherein the progressive support clamp is actuatable from the open position to the support member clamp position, the support member clamp position precluding movement of the fixture clamp with respect to the support member and allowing rotation of the ball, and wherein the progressive support clamp is further actuatable to the full clamp position, the full clamp position fixing the position of the ball.

Isgrig inherently teaches the method for positioning an accessory, the method comprising: providing a flex grip fixture clamp; coupling an accessory with the accessory clamp; actuating the flex grip fixture clamp to an open position to enable the progressive support clamp to be coupled with a support member; actuating the flex grip fixture clamp to a support member clamp position, the clamp the support member without clamping the ball joint; actuating the flex grip clamp to a full clamp position; wherein coupling the accessory with the biscuit clamp further comprises inserting a member connected to the accessory into a channel formed in the biscuit clamp; inserting a support member into the support member channel prior to actuating the flex grip fixture clamp from the open position to the support clamp position; and wherein articulating the ball joint comprises positioning the ball within the progressive support clamp.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,037,052 to Crisp et al., hereinafter Crisp. Crisp discloses a flex grip fixture clamp (Fig. 7) comprising: a progressive clamp including a support member channel configured to

receive a support member; a semispherical recess (58); a handle (64) having at least one open position, a support member clamp position and a full clamp position; a biscuit clamp comprising an accessory member channel configured to receive a component of an accessory; and a ball joint (84) comprising a ball (86) selectively engageable with the semispherical recess, the ball joint interconnecting the progressive clamp and the biscuit clamp, the progressive clamp responsive to the handle being in the open position to enable movement of the progressive clamp with respect to the support member and to enable movement of the ball with respect to the progressive clamp, the progressive clamp responsive to the handle being in the support member clamp position to inhibit movement of the progressive clamp with respect to the support member and to enable movement of the ball with respect to the progressive clamp, and the progressive clamp responsive to the handle being in the full clamp position to inhibit movement of the progressive clamp with respect to the support member and to inhibit movement of the ball with respect to the progressive clamp.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 17 is rejected as being unpatentable over Crisp in view of U.S. Patent 600,642 to Hartman and in further view of U.S. Patent 4,577,989 to Ito. Crisp discloses a grip head comprising: a progressive support clamp having an elongate member arm, a ball joint portion (54), and a clamp actuating handle (64), the elongate mounting arm

defining a first support member channel that extends along a central longitudinal axis of the elongate mounting arm, the ball joint portion defining a semispherical recess and a bearing recess positioned opposite the semispherical recess; a biscuit clamp having a channel; a ball joint comprising the semispherical recess, a ball (86) contacting the semispherical recess, a link member extending between the ball and the biscuit clamp; wherein the progressive support clamp is actuatable from an open position to a support member clamp position, the support member clamp position clamping a support member in the support member channel without clamping the ball, and wherever the progressive support clamp is further actuatable to a full clamp position, the full clamp position clamping the support member in the support member channel and also clamping the ball to fix the position of the ball.

Crisp discloses the claimed invention except for the limitation of the biscuit clamp having a plurality of channels. Hartman teaches an adjustable bracket having two clamping portions and wherein one clamp portion has a plurality of channels (4 & 5) and wherein the channels have different transverse cross-sectional sizes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the biscuit clamp (4) in Crisp to have been the clamp (A, B) in Hartman for the purpose of providing a clamp that is capable of accommodating different sized accessories.

Crisp combined with Hartman disclose the claimed invention except for the limitation of a bearing. Ito teaches that it is known in the ball joint art to have a ball joint including a ball (3) and a ring bearing (4) having a curved wall of a radius matching that

of the ball, the ring bearing being located on a hemisphere of the ball. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the ball joint in Crisp combined with Hartman to have included the ring bearing as taught by Ito for the purpose of providing a means to assist in the rotation of the ball within the recess.

Allowable Subject Matter

Claims 6, 9, 10, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7 and 18 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 1-5, 8, 11-17, and 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anita M. King
Primary Examiner
Art Unit 3632

November 1, 2004